

ORIGINAL

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
VS.)
)
JOHN JAMES RODRIGUES,)
)
Defendant.)
_____)

MAGIS. NO. 08-0 960 LEK

CRIMINAL COMPLAINT

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

NOV 13 2008

at 1 o'clock and 41 min 10 M.
SUE BEITIA, CLERK

CRIMINAL COMPLAINT

I, the undersigned complainant, being duly sworn, state the following is true and correct to the best of my knowledge and belief.


On or about November 13, 2008 in the District of Hawaii and elsewhere, defendant above-named knowingly and intentionally distributed fifty grams or more of methamphetamine, its salts, isomers, and salts of its isomers, a Schedule II controlled substance,

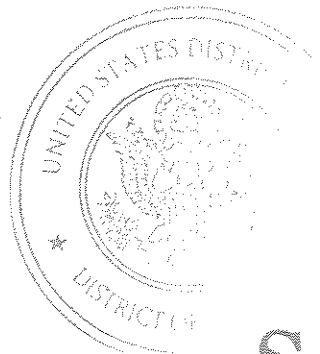
In violation of 21 U.S.C. 841(a)(1) and 841(b)(1)(A), and 18 U.S.C. 2.

I further state that I am a DEA Task Force Officer and that this Complaint is based upon the facts set forth in the attached "Affidavit in Support of Criminal Complaint", which is incorporated herein by reference.

Sworn to before me and
subscribed in my presence,
this 13th day of November
2008, at Honolulu, Hawaii.


CORBETT ROY
COMPLAINANT


LESLIE E. KOBAYASHI
United States Magistrate Judge



SEALED
BY ORDER OF THE COURT

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

CORBETT ROY, after being duly sworn, deposes and states as follows:

1. I am a Honolulu Police Department (HPD) Officer, currently assigned to the Hawaii Airport Task Force (HATF) at the Honolulu International Airport, HI. In this capacity, I am also Federally cross-designated as a DEA Task Force Officer.

2. On October 28 and 29, 2008, HATF Officers received information concerning defendant John James Rodrigues, Jr., nickname "Haus" (hereinafter "Rodrigues" or "John Rodrigues"), from a cooperating individual (hereinafter "CI"). The CI has numerous Hawaii state felony convictions and is currently serving a twenty year sentence in a prison facility in Arizona. During the time that he/she has been imprisoned there, he/she has been in regular telephone communication with Rodrigues (who currently resides in Las Vegas, NV), using the facility's telephone system.¹ Among other things, the CI has provided the following information:

(A) The CI and Rodrigues have been close friends and grew up together. The CI first met Rodrigues when he (CI) was 17 years old in the boy's juvenile detention facility in Hawaii.

(B) Rodrigues has been sending drugs from Las Vegas, NV, to Hawaii since 2007. Rodrigues usually picks up 5 - 10 pounds of methamphetamine every three months and sends it to Hawaii, where the methamphetamine is sold at about \$25,000 - 30,000 per pound. Rodrigues usually arranged his drug transactions to occur at either the Zippy's Restaurant in Kailua or at his (Rodrigues') mother's residence located at 557 Waialepo Street, Kailua, HI.

(C) Rodrigues' niece, Jennifer Rodrigues, was involved in distributing the methamphetamine in Hawaii; Jennifer Rodrigues resided with Rodrigues' mother in Kailua.

(1) Jennifer Rodrigues' full name is Jennifer Kamahoahoa-Rodrigues (hereinafter referred-to as "Jennifer").

(D) Rodrigues has recently asked the CI to find customers in Hawaii who would be interested in buying pounds of

¹ All inmate telephone calls are recorded by this facility, and there is a pre-recorded advisement to the outside caller at the beginning of each call that this call is being recorded and may also be monitored.

methamphetamine. Rodrigues had attempted to arrange a three (3) pound deal at \$36,000 per pound, but that transaction fell through. Rodrigues said he had recently purchased ten pounds of methamphetamine in Las Vegas at \$12,000 per pound, which he had sent to Hawaii. Rodrigues had two pounds of this ten pound methamphetamine shipment tested (the quality of which turned out to be very poor), and he (Rodrigues) was now just trying to get rid of the remaining eight pounds of methamphetamine at cost (that is, at \$12,000 per pound).

(E) The CI also provided a contact cell phone number for Rodrigues in Las Vegas of (702) 308-9111.

(F) The CI also believed that a female named "Mel" (last name known) in Hawaii is currently holding the methamphetamine shipment at her residence for Rodrigues. According to the CI, Rodrigues trusts "Mel" with his money and drugs.

3. (702) 308-9111 is a cell phone number assigned to Cellico Partnership, dba Verizon Wireless. According to subpoenaed subscriber records, the subscriber of this cell phone since 7/6/06 has been John J. Rodrigues, Jr., with a current address of 4004 Pleasant Road, Las Vegas, NV.

4. On October 28, 2008 at about 5:58 p.m. (PDST), the CI placed a telephone call to John Rodrigues at (702) 308-9111, which was recorded by the Arizona facility. In this recorded call, the following discussion, among other things, took place:

CI: How much you get back home [that is, in Hawaii], brah?

R [defendant John Rodrigues]: What you mean?

CI: Yeah, how much pounds get back home?

R: Get a few.

CI: Hah, few?

R: Yeah.

CI: No, 'cause the chick like grab three, brah. [that is, three pounds of methamphetamine]

R: She got thirty [that is, \$30,000]?

CI: Thirty six, eh? [that is, \$36,000 for three pounds, calculated at \$12,000 per pound]

R: Yeah.

CI: For three. How much one?

R: Yeah, twelve [that is, \$12,000 per pound].

CI: Yeah, they no believe the thing twelve, so-- I say I was going talk to you first, so I was telling them, yeah?

R: Yeah.

CI: And what's the matter with the thing? It was actually what--

R: Like I say, you know what I mean, the guy say, ah, the stuff burn little bit when you first smoke 'em, you know what I mean. But, you know, the guys up here [that is, in Las Vegas] smoke the fuckah, you know what I mean--

CI: Uh, huh.

R: --They no grumble, but, you know, back home [that is, back in Hawaii], you know what I mean, I guess when they paying, you know, what then, thirty-two for one whole one [that is, \$32,000 per pound], you know, you like the best one, right?

CI: Right, fuckers want pay forty-one and they even get fucking rubbish.

R: That's what I mean.

[unintelligible]

R: That's why I'm paying the top notch, the top quality, that's why I just like get my money back, you know what I mean.

CI: The twelve grand [\$12,000].

R: Yeah.

CI: Twelve apiece, yeah? [that is, Rodrigues']

acquisition cost for the methamphetamine was \$12,000 per pound]

R: Yeah.

CI: So, I going tell the chick, then, just call and say my name then, yeah?

R: Yeah. What, she going call me?

CI: Yeah, she going call you. Tomorrow, about, what's the best time? What's the best time to call you, after work?

R: Yeah, whenever. But, da kine, you know, after work, but then, because the stuff not there, you gotta give me one, she gotta give me one day, and then so I can have them go get 'em, eh?

CI: Okay.

R: But, da kine, going be his chick?

CI: Yeah, going be his girl.

R: Yeah, because I no like no guys involved.

CI: Yeah, only girls, eh?

R: She going do 'em with my niece, eh?

CI: Yeah, yeah.

R: Da kine, just among the girls, like do 'em.

CI: Yeah, that's the same way they were feeling, too.

R: Yeah.

CI: Yeah. Hey, fucking burn, the fucking burn fuck up, eh?

R: Ah?

CI: The burn on the thing, who went go fucking pick it up, brah? Your friend?

R: Yeah, you know, these fuckers, they all too much

garbage, eh, so I tell 'em, try 'em, you know what I mean? To them, yeah, because that's the kind they smoke, you know what I mean? So, yeah, felt good, you know, I no smoke fucking, you know, I not going go pump 'em.

CI: Right.

R: So, you know, they come here, felt good, it's okay, the fucker, so I bought 'em.

CI: Yeah, what the thing [that is, the methamphetamine] look like, rocks?

R: The thing, I send 'em home [to Hawaii], you know, it's all the shave ice kind, you know.

CI: Oh, yeah?

R: What?

CI: And what if you wash 'em? [that is, using a solvent to chemically wash out the cutting/diluting agents in an effort to improve the methamphetamine's purity].

R: You know, tell the chick, you know, the thing is, you know, if they blow 'em out couple, the first couple, the thing smoke all right.

CI: Oh, yeah, no more harsh taste, nothing?

R: Yeah, it's just, you know, that first one, you know how they, fuck-

[laughter]

R: I don't know, you try, fucking, you know what I mean? I figure, one day going get one fucking drought again [that is, a short supply of methamphetamine] and fuck it, I was going get that jeopardy one day [that is, buying bad quality methamphetamine because of the short supply], you know what I mean, fuck it, so I don't care. But you know--

CI: Fuck, at 12 [\$12,000 per pound], no can go wrong, but, you know what I mean.

R: Yeah.

CI: No matter you wash 'em, whatever, you know, fucking thing will come right back.

R: Yeah.

CI: Even if you lose half, fucking look, you fucking look at pound and a half [that is, washing the cutting agent out of the three pounds may result in only 1½ pounds of "pure methamphetamine" available for sale].

R: Yeah.

CI: Pound and a half, right?

R: Yeah.

CI: One pound half, you still going make back your fucking money. [that is, you can still "break even" with the reduced amount of "pure" methamphetamine after washing] What the fuck you think going back home for, thirty-four grand? [that is, what was the current price for a pound of methamphetamine in Hawaii, \$34,000]

R: Yeah.

CI: Thirty - forty thousand, fuck, you making already double, eh?

R: Yeah.

Later in this same 10/28/08 telephone conversation, Rodrigues discussed how much money he had expected to make from this ten pound shipment, which due to the methamphetamine's poor quality, he lamented that he would not be realizing:

R [John Rodrigues]: I was hoping to, fucking to bank, you know what I mean, three-hundred off of that [that is, \$300,000] and I couldn't get anything, you know what I mean.

CI: Fucking cash, eh?

R: You know what I mean, for ten would have been three-hundred, you know what I mean, then I could have been sitting pretty. [that is, at a possible sales price of \$30,000 per pound for ten pounds, Rodrigues could have made \$300,000]

[laughter]

* * *

R: Just tell 'em, as long as it's one chick, I'm all right, you know what I mean?

CI: Yeah, a chick going call.

R: I no like my niece do 'em with one boy.

5. On October 29, 2008 at about 7:48 p.m. (PDST), the CI placed another telephone call to John Rodrigues at (702) 308-9111, which was recorded by the facility. In this recorded call, the following discussion occurred:

CI: What, the broad never call, brah?

R [John Rodrigues]: No.

CI: Okay, so it's on them then, brah. I was talking to the old man, he stay on the phone over here, cannot call so--

R: Oh, oh.

CI: Anyway, my family put some bread, brah, Tuesday I call you, I get like two dollars on this stupid phone.

R: Okay.

CI: Okay, Tuesday, the Sunday, I'm call--

R: And so what the situation in case she calls [unintelligible]--

CI: Dana [woman's first name].

R: Dana, okay.

CI: Dana. She going mention my name, so everything's all right? Okay, pal?

During this 10/29/08 telephone call, Rodrigues also mentioned a girl named "Mel", as follows:

R [John Rodrigues]: Remember the kid, Mel, the one who went go talk to the lawyer?

CI: Yeah, yeah, yeah, yeah.

R: Yeah, that's the brother [that is, Mel's brother was Rodrigues' current roommate].

CI: Oh, that's the brother, brah.

R: Yeah.

CI: How's she doing, all right, brah?

R: Yeah, she's doing good.

6. On November 4, 2008 at about 7:12 p.m. (PST), the CI placed another telephone call to John Rodrigues at (702) 308-9111, which was recorded by the facility. During this call, among other things, Rodrigues asked the CI if the methamphetamine buyers in Hawaii were ready:

R [John Rodrigues]: So what? The guy, the guy never said nothing, what's up with...

CI: They said they're fuckin', they still short like eight grand, brah.

Rodrigues and the CI continued talking about the methamphetamine transaction. The CI advised that when they come up with the eight thousand, they were to call Rodrigues. Rodrigues also indicated that he would drop the purchase price by \$1,000 per pound:

R [John Rodrigues]: If they buying three, I'll let 'em go a thousand bucks. You know what I mean?

CI: Would be what? Thirty-five then?

R: Yeah, yeah, fuckin' a thousand bucks nothing.

The CI also indicated that the buyers might want to clean the methamphetamine since it was of poor quality. Rodrigues advised he did not know how to clean it and didn't know anybody who did. The CI also told Rodrigues that somebody would be calling them after they get the eight thousand dollars together:

CI: I guess they'll try to fix 'em, too, if the thing is bad.

R [John Rodrigues]: I don't know how to for do that and

I don't know anybody, so I not gonna let nobody touch 'em, you know what I mean.

CI: Yeah.

R: [unintelligible] You know, everybody, eh, sometimes they all become chemists all of a sudden overnight (laughter). You know what I mean, huh?

CI: But they like 'em, yeah, they like 'em, they like the thing. So I said when you get the fuckin' eight grand then...

R: Yeah.

CI: Yeah, I guess I call you or the chick just call you and say my name.

R: Yeah.

7. On November 12, 2008 at about 3:10 p.m. (HST), a female law enforcement officer, acting in an undercover capacity and posing as the CI's Hawaii buyer (hereinafter referred-to as "UC"), placed a recorded telephone call to John Rodrigues at (702) 308-9111. The UC called Rodrigues "Haus" and identified herself as "Dana", also saying that she was a friend of [saying the CI's last name out loud]. The UC said she had the "36" [that is, \$36,0000] and asked whether Rodrigues was ready for the "3" [that is, the three pounds of methamphetamine]. Rodrigues replied he needed one day to get them and asked whether the UC minded going to Kailua. Rodrigues also reiterated that it was you and my niece, no guys. The UC asked how it [the methamphetamine] looked, and Rodrigues asked whether she could call him back in about 10 minutes.

8. On November 12, 2008 at about 3:25 p.m. (HST), the UC placed another recorded telephone call to John Rodrigues at (702) 308-9111. In this call, the following conversation occurred:

R [John Rodrigues]: Hello.

UC: Hey, Haus.

R: Who this?

UC: Dana.

R: Oh, howzit, yeah.

UC: [unintelligible]

R: So. Like around what time you good for you tomorrow?

UC: I'm pretty flexible tomorrow, so-

R: Yeah, I gotta go call my niece and see what time can be good. I'm going send her for go grab 'em tonight, that's why, and then, um--

UC: Okay.

R: And then, uh, and then, uh, what, I never even get home, like uh, give me about hour and a half, two hours, you can call me back and then I give her number so that, why you just contact her like that.

UC: Okay.

R: That all right?

UC: Sure.

R: Okay?

UC: Um, you know, how about, can we do it like morning, tomorrow morning, you think he can get it by then? Like 11 or so?

R: Well [unintelligible], my niece work, that's why, too, so I don't know what her schedule like, that's why--

UC: Yeah, okay.

R: -but I got, no but, um, still get my, my, my, my sister is my partner, too, she's right under me so--

UC: Okay.

R: You can deal with her, she, she's home all day, so you, you'd be able to do 'em with her.

UC: Okay, so--

R: Okay?

UC: Yeah, you going let me know then.

R: Yeah, that way be easy, you can do 'em in the morning, you just go to my sister's house, she lives in a lane, like that--

UC: [unintelligible]

R: [unintelligible] just do 'em.

UC: Okay, she lives, uh, Kailua?

R: Yeah, Kailua, on, uh, uh, Wailepo Street, you know where Wailepo Street in Kailua?

UC: No, uh--

R: Uh, you know your way around Kailua, you've been down there before?

UC: Yeah.

R: [gives driving directions to the Wailepo Street house where his sister lives]

* * *

UC: That's your sister's--

R: Yeah [unintelligible], my niece going work tomorrow, so you probably going have to do 'em with my sister, Carrie [unintelligible].

UC: Her name is Carrie.

R: Yeah.

UC: Okay, um--

R: And then, um, yeah, I going call 'em and then, ah, maybe you could call me in about two hours and then I'll give you their phone numbers and stuff so that way, you, you just make arrangements with her, that way, you know, you don't have to call me and you know what I mean.

UC: Yeah.

R: I going pay 'em tonight.

UC: Okay, and I'm just going to be going over there by myself, so--

R: Yeah, yeah, going be [unintelligible], I'm not going have no guys or nothing, just- I don't know if my brother-in-law, he's one fucking faggot.

UC: Is he around or what?

R: [unintelligible] no, but going be just you and my sister.

UC: All right, all right. And how does it look?

R: Well, the stuff looks good and all. You see, when I bought 'em up here [that is, in Las Vegas]--

UC: Yeah.

R: --the thing is, everybody, um, you know, did smoke 'em, it's all good, because up here, you know, one fucking ball [that is, an "eight-ball" or 1/8th ounce] is, like what, one-fifty, one-forty, like that.

UC: Yeah.

R: So, to them [in Las Vegas], it's good dope, but, you know, back home everybody is so fucking sensitive [Rodrigues then reiterated the quality problem, at one point saying "down there [in Hawaii], you going pay, you know, ah, twenty-five or something more for one 'Oh' [ounce], you know what I mean", and "so I understand, you like the good shit . . ."]

* * *

R: And I figure, the way I look at it, you know, okay, nobody like touch it right now, I just going wait for one drought, because when one drought comes, the fucker is going turn into gold.

UC: you bet, yeah.

R: [laughs] you know what I mean? [unintelligible] 'cause I know that fucker going turn into gold.

UC: Yeah, so you get more or what?

R: Huh?

UC: You get more if I need?

R: Oh, yeah, get nine or ten [pounds], I think.

UC: Okay, okay.

R: Yeah.

UC: all right, so I'll call you back then, a couple hours.

R: Yeah.

UC: Right on.

R: Okay.

UC: Thanks, Haus.

R: Okay, bye.

9. At about 5:50 p.m. (HST) on November 12, 2008, the UC received an incoming telephone call from John Rodrigues (according to call ID, the call was placed from (702) 308-9111). In this call, Rodrigues indicated that his friend was not going to be back until 8:00, and also stated that his sister has to go over there and grab 'em (that is, get the methamphetamine). Rodrigues also provided his sister's contact cell phone number, 450-5438, and also referred to his sister as "Carrie". Rodrigues said he would let her know that the UC would be calling. The UC inquired whether everything was set for tomorrow, and Rodrigues replied affirmatively.

10. According to driver's license records and vehicle registration records: (1) Jennifer Kamahoahoa-Rodrigues has an address of 557 Wailepo Street; and (2) Carrie Hanson and Steven Hanson have an address of 557B Wailepo Street. In addition, certain criminal history records indicate that Carrie Hanson is an alias for Carrie A. Rodrigues. For the purposes of this affidavit, Carrie Hanson/Carrie A. Rodrigues is hereinafter referred-to in this affidavit as "Carrie".

11. At about 9:45 a.m. (HST) on November 13, 2008, the UC placed a recorded telephone call to (808) 450-5438 (the contact number which Rodrigues had provided for his sister "Carrie"). After the call was answered by a female, the UC said "hi, Carrie,

this is Dana". The UC also asked how she was doing, and Carrie said okay. The UC asked whether she was ready, and Carrie responded in the affirmative. The UC then asked whether Carrie had the "three [that is, 3 pounds of methamphetamine]", and Carrie responded "yes". The UC asked to meet this morning, to which Carrie replied how about now. The UC then suggested McDonald's at 11:30, to which Carrie responded that she'll be on a scooter. The UC indicated that she would be waiting inside and would call Carrie when she (the UC) got there.

(A) There is a McDonald's in Kailua town at 406 Kuulei Road, which is located within about a half mile of the subject premises (557 Wailepo Street).


12. At about 11:10 a.m. on November 13, 2008, police surveillance observed Carrie walking out of the subject premises (557 Wailepo Street) and getting onto a motorized scooter (the type for handicapped persons). It also appeared that Carrie had a bag located in the scooter's front storage basket. In addition, there appeared to be a plastic bag in the storage area under the scooter's seat.


13. At about 11:35 a.m. on November 13, 2008, the UC called Carrie, who indicated that she was in the Salvation Army store (which was across the street from McDonald's-Kailua). After this call, Carrie was observed crossing the street on her scooter and thereafter proceeded to McDonald's.

14. Once inside McDonald's, Carrie met with the UC. Carrie indicated that she needed to go to the bathroom and drove her scooter into the women's restroom. Several minutes later, the UC entered the women's restroom, where Carrie was then in the handicapped stall. Carrie thereafter came out of the stall and advised that it was in the stall. The UC then went into the stall and found a plastic bag behind the toilet. After opening the plastic bag, the UC found that it held three other containers (which were later opened and found to contain an estimated three pounds of a crystalline substance resembling methamphetamine). Carrie advised the UC to keep it (that is, the methamphetamine) and to leave the purchase money for her (Carrie) outside in a trash receptacle. After the two exited from the women's


restroom, Carrie was arrested by other law enforcement personnel.

FURTHER AFFIANT SAYETH NAUGHT.


CORBETT ROY

This Criminal Complaint and Affidavit in support thereof were presented to, approved by, and probable cause to believe that the defendant above-named committed the charged crime found to exist by the undersigned Judicial Officer at 12:35 p.m. on November 13, 2008. 

Subscribed and Sworn to Before Me,
this 13th Day of November 2008.


LESLIE E. KOBAYASHI
United States Magistrate Judge

